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Of Attorneys for Defendants City County Insurance Services Trust,  
Rod Brown and Public Safety Liability Management, Inc.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WAYNE McFARLIN,	)	
	)	
Plaintiff,	)	Case No. CV06-1594 HU
	)	
v.	)	CONCISE STATEMENT OF MATERIAL
	)	FACTS IN SUPPORT OF DEFENDANTS
EDWARD GORMLEY, an individual; CITY	)	CITY COUNTY INSURANCE SERVICES
OF McMinnville, a Municipal	)	TRUST, ROD BROWN, AND PUBLIC
Corporation; CITY COUNTY INSURANCE	)	SAFETY LIABILITY MANAGEMENT,
SERVICES TRUST; ROD BROWN, an	)	INC.'S MOTION FOR SUMMARY
individual; PUBLIC SAFETY LIABILITY	)	JUDGMENT
MANAGEMENT INC., an Oregon	)	
corporation; WALDO FARNHAM,	)	
	)	
Defendants.	)	

In compliance with Local Rule 56.1, defendants City County Insurance Services Trust, Rod Brown, and Public Safety Liability Management, Inc., offer the following Concise Statement of Material Facts:

1. Rod Brown is a risk management consultant for Oregon law enforcement agencies and is a former Chief of Police for the City of McMinnville. (Ex. 1, pp. 2-4; Ex.

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2, pp. 2-4).<sup>1</sup> Brown provides risk management consultation as an agent for defendant City County Insurance Services (CCIS). (Ex. 2, p. 10, ll. 1-6).

2. City County Insurance Services is a unique governmental entity created under Oregon statutes to assist in providing public bodies in Oregon with insurance services. (Ex. 1, pp. 2-3, 7 ORS 30.260(4)(b); ORS 30.282(3); ORS 297.405(6); ORS 307.090(1); ORS 656.407; ORS 731.036(6); ORS 743.526(2).

3. In 2005, plaintiff was the Chief of Police for the City of McMinnville.

4. In mid-October, 2005, Sergeant Matt Scales of the City of McMinnville police department contacted Brown and told him that morale at the police department was extremely bad and that the "ship," under Chief McFarlin, "was sinking." Scales was the newly-elected president of the police officers' Association. (Ex. 1, p. 9; Ex. 3).

5. Brown reported Scales' concerns the City of McMinnville Mayor Gormley, who then wanted to talk with Scales directly. Brown arranged the meeting at Gormley's request. Scales told Gormley about the miserable morale in the police department under Chief McFarlin's leadership. (Ex. 1, pp. 9-10; Ex. 3).

6. Gormley was confused because he had heard, from the City Manager, that Scales had reported that the police department was doing okay. However, Scales had misrepresented the conditions at the police department when talking with the City Manager. (Ex. 1, p. 10; Ex. 3).

7. Brown was aware of criticism of or dissatisfaction with plaintiff's job performance as expressed by Waldo Farnham. Farnham was a private citizen who was critical of plaintiff's performance as Chief of Police. Brown did not communicate what he had heard from Farnham to any City official. Brown was also aware of other expressions of dissatisfaction with plaintiff's job performance expressed by former and

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<sup>1</sup>Exhibit references are to the exhibits attached to the Affidavit of Stan LeGore.

current members of the City's police department, but he did not relay that information to any City officials. (Ex. 1, p. 13).

8. Several days later Brown was invited to another meeting by City Manager Kent Taylor. That meeting, which occurred on approximately October 21, 2005 - approximately one week after Scales met with Gormley - was attended by Taylor, Brown, Gormley, Farnham, Rick Olson, and Jack Crabtree. Olson was president of the City Council. Crabtree was Sheriff of Yamhill County. The group discussed the dissatisfaction with Chief McFarlin that Sergeant Scales had expressed, and apparently the complaints of Farnham. There was no discussion of any plan for having plaintiff resign. (Ex. 1, pp. 11-12).

9. A few days after the meeting described in paragraph 8, above, Taylor asked Brown to begin a search for a possible interim Chief. Brown was paid for this work in part by the City of McMinnville, in part by defendant CCIS as risk management consultation. There was also some portion of the work and meeting time for which Brown was not compensated, even though he was working for the City and in his capacity as consultant for CCIS. (Ex. 1, pp. 17-18; Dec. Of Brown).

10. On approximately November 1, 2005, Brown spoke at a City of McMinnville police officers' Association meeting. He was invited to speak by the Association's Board. Brown spoke about the importance of unity in the police department. There was no discussion of the "no confidence" vote that the Association had been planning to take. (Ex. 1, p. 18; Ex. 3).

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11. During this period of time, plaintiff was awaiting word on his application for employment as the Chief of Police for the City of Salem. Brown did not have any contact or communication with the City of Salem concerning plaintiff or plaintiff's application for the position of Chief of Police. (Ex. 1, p. 15; Ex. 2, pp. 5-6).

DATED this 12<sup>th</sup> day of October, 2007.

MILLER & WAGNER LLP

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CERTIFICATE OF SERVICE


I hereby certify that I served the foregoing CONCISE STATEMENT OF MATERIAL FACTS IN SUPPORT OF DEFENDANTS CITY COUNTY INSURANCE SERVICES TRUST, ROD BROWN, AND PUBLIC SAFETY LIABILITY MANAGEMENT, INC.'S MOTION FOR SUMMARY JUDGMENT, on the following parties at the following addresses by notice of electronic filing using the CM/ECF system:

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DATED this 12<sup>th</sup> day of October, 2007.

  
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